

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMERICAN FAMILY CONNECT
PROPERTY CASUALTY INSURANCE
COMPANY, a foreign insurer

Plaintiff,

vs.

TERESA PEQUIGNOT and DONALD
PEQUIGNOT, wife and husband; and
MATTHEW OVERVOLD and ANGELA
OVERVOLD, husband and wife.

Defendants.

No. 2:23-cv-00133-JHC

ORDER

Before the Court is Plaintiff American Family Connect Property and Casualty Insurance Company's Motion for Default Judgment against Defendants Matthew and Angela Overvold. Dkt. # 39. The Court has reviewed the motion, its supporting declaration, Dkt. # 40, and the rest of the file.

When Plaintiff previously moved for a default judgment against the Overvolds, the Court expressed concerns regarding the absence of applicable legal authority, and ultimately denied that motion without prejudice. Dkt. ## 23, 24, 25, 26, 27 & 28. The Court has similar

1 concerns here. The motion does not appear to cite any legal authority involving the
2 circumstances present here, i.e., an insurer seeking a judgment against a plaintiff in an
3 underlying lawsuit that was brought against an insured. And it occurs to the Court that there
4 may be issues relating to justiciability. For example, is there a ripe dispute between Plaintiff
5 and the Overvolds? Have the Overvolds made any sort of claim against Plaintiff? Also,
6 Plaintiff's argument regarding potential prejudice, Dkt. # 39 at 5, is unclear. The motion does
7 not explain how, in the event the Overvolds sought contribution from Plaintiff, the Court's
8 summary judgment, Dkt. # 38, would *not* provide Plaintiff with a defense.

9 Given the foregoing questions, the Court DENIES the motion without prejudice.
10 Plaintiff may renew its motion on or before June 17, 2024. Any such motion must include any
11 legal authority, of which counsel is aware, that supports and/or conflicts with Plaintiff's
12 request.

13 DATED this 17th of May, 2024.

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16 John H. Chun
17 United States District Judge
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